



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, DECEMBER 9, 2002 – 7:30 P.M.
(MAYOR AND COUNCIL CHAMBERS, CITY HALL,
255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Steven Hilton, Glad Tidings Assembly of God

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager DEC9-02-753 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager DEC9-02-754 CITY-WIDE

5. CALL TO THE AUDIENCE:

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on tonight's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

6. **CONSENT AGENDA – ITEMS A THROUGH I**

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent agenda and will be considered separately.

7. **LIQUOR LICENSE APPLICATIONS**

(a) Report from City Manager DEC9-02-743 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

- | | |
|---|---|
| (1) FAMOUS SAM'S
1830 E. Broadway, Suite #106
Applicant: Mark L. Rhude
City #082-02, located in Ward 5
Series #12 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| Action must be taken by: December 16, 2002
Public Opinion: Protest Filed | |
| (2) EL SABROSO OAKWOOD GRILLE
610 N. Grande Avenue
Applicant: Dionicio Naranjo
City #084-02, located in Ward 1
Series #12 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| Action must be taken by: December 23, 2002 | |
| (3) SOUTH PARK MARKET
2531 S. Park Avenue
Applicant: Isaam I. Qasim
City #087-02, located in Ward 5
Series #10 | <u>Staff Recommendation</u>

Police: DENIED
DSD: In Compliance
Bus. License: In Compliance |
| Action must be taken by: December 28, 2002
Public Opinion: Protest Filed | |

NOTE: State law provides that a new license, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Person Transfer(s)

- | | | |
|-----|--|---|
| (4) | LEO’S MEXICAN RESTAURANT
3412 N. Dodge Blvd.
Applicant: Maria A. Phan
City #081-02, located in Ward 3
Series #6
Action must be taken by: December 14, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (5) | SANTE FE BAR & GRILL
7130 S. Nogales Hwy.
Applicant: Michael J. Carbajal
City #083-02, located in Ward 1
Series #6
Action must be taken by: December 17, 2002 | <u>Staff Recommendation</u>

Police: DENIED
DSD: In Compliance
Bus. License: In Compliance |
| (6) | GILLIGAN’S PUB
1308 W. Glenn Street
Applicant: Kevin P. Gilligan
City #085-02, located in Ward 3
Series #6
Action must be taken by: December 24, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (7) | SAUSAGE DELI
2334 N. First Avenue
Applicant: Thomas R. Aguilera
City #086-02, located in Ward 3
Series #7
Action must be taken by: December 27, 2002 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |

NOTE: For a person to person transfer, the State Liquor Board will not hold a hearing to consider a protest of location or permit testimony against the location at a hearing scheduled to evaluate the personal qualification of the applicant.

8. ZONING: (C9-95-27) PORTER/GIBSON – FORT LOWELL ROAD, RX-1 TO O-2 AND C-1, ORDINANCE ADOPTION

- (a) Report from City Manager DEC9-02-757 WII
- (b) Ordinance No. 9798 relating to zoning: amending zoning district boundaries in the area located on the southeast corner of Laurel Avenue and Camp Lowell Drive in Case C9-95-27, Porter/Gibson – Ft. Lowell Road, RX-1 to O-2 and C-1; and setting an effective date.

A simple majority vote will be necessary to adopt the attached ordinance.

9. PUBLIC HEARING: (SE-02-15) APPEAL OF THE ZONING EXAMINER'S DECISION ON SPECIAL EXCEPTION LAND USE CASE, BLEZINGER – CAMPBELL AVENUE, C-1 ZONING

- (a) Report from City Manager DEC9-02-751 WIII
- (b) Hearing on an appeal of the Zoning Examiner's decision in special exception case SE-02-15 Blezinger – Campbell Avenue. The appeal has been filed by Don Laidlaw, on behalf of the property owners, George and Ruth Blezinger. The applicant is not appealing the decision to approve the special exception, only certain conditions under which the approval was granted. The appeal is limited to conditions 5 and 8 of the Zoning Examiner's decision.

The site is located on the northwest corner of Campbell Avenue and Mitchell Street. The preliminary development plan is for a 1,390 square foot automotive service and repair facility on a 0.23 acre C-1 zoned parcel.

The Zoning Examiner held a public hearing on July 18, 2002, and continued it to August 15, 2002 and August 22, 2002. The public hearing closed on August 22, 2002. The Zoning Examiner issued a decision to approve the special exception request subject to certain conditions. The City Manager recommends the Zoning Examiner's decision be upheld and the appeal be denied.

10. PUBLIC HEARING: (C9-98-01) LAWYERS TITLE TR 7685 – MISSION ROAD, MH-1 TO C-1 AND C-2, CHANGE OF CONDITIONS, CHANGE OF DEVELOPMENT PLAN – TIME EXTENSION

- (a) Report from City Manager DEC9-02-752 WI
- (b) Hearing on a request for a change of conditions and development plan and a five-year time extension for property located at the northeast corner of Mission Road and Irvington Road. The revised preliminary development plan is for a mixed use commercial center including an anchor grocery store, in-line retail stores, a gas station, several restaurant pads, a mini-storage facility, and a retail plant nursery for a total of approximately 190,000 square feet of buildings on 26.9 acres.

The original five-year authorization expires on May 4, 2003. A public hearing is required because the request, if approved, will extend the time for completion of rezoning conditions more than five (5) years from the date of the last public hearing.

The City Manager recommends approval of the requested change of conditions and preliminary development plan, and the requested five-year time extension from May 4, 2003 to May 4, 2008, subject to the attached conditions.

The recommended conditions provided below are modified from the conditions adopted by Mayor and Council on May 4, 1998. Within the conditions, new text is underlined, deleted text is ~~struckthrough~~.

- 1. A development plan, in substantial compliance with the preliminary development plan dated October 17, 2002, and the Environmental Resource Report, is to be submitted and approved in accordance with Section 5.3.8 of the *LUC*, including, but not limited to:
 - a. The proposed C-2 zoned, 18,800 square feet of automotive and retail uses and service area on 3.2 acres are to be setback a minimum 400 feet from Mission Road and relocated to the north with screening and buffering from the linear park provided by the self-storage facility and the plant nursery.
 - b. A maximum building height as measured to the highest point of the building of:
 - 1. ~~Eighteen (18) feet for all buildings within 400 feet of the Mission Road right-of-way.~~

2. Eighteen (18) feet for all self-storage and nursery buildings in the C-2 zone.
3. Thirty (30) feet for all other buildings.
- c. A unified and consolidated architectural design for all proposed development.
- d. The predominant colors of all buildings shall be earth tones. Bolder colors shall be limited to accents.
- e. ~~A minimum twenty (20) foot wide landscape buffer on the development side of the Mission Road right-of-way.~~
- f. A minimum fifteen (15)-foot-wide landscape buffer on the development side of the Irvington Road right-of-way north of Wyoming Wash.
- g. A minimum ten (10)-foot-wide landscape buffer on the development side of the north property boundary, exclusive of the drainage easement.
- h. All landscape buffers are to be designed in compliance with the vegetative size, number and coverage requirements of the *LUC*.
- i. The RV storage area is to be screened by a minimum eight (8)-foot-high decorative masonry wall, if located adjacent to the riverpark or adjacent to residentially zoned property.
- j. Improvements to the riverpark adjacent to the West Branch of the Santa Cruz River in accordance with the *Santa Cruz Riverpark Masterplan* policies.
- k. Noise-generating uses, such as loading zones and dumpster locations, shall be located a minimum of fifty feet from any adjacent residential zone boundary or the linear park. Outdoor loudspeakers shall be at least 200 feet from and directed away from the adjacent residential zoning and the linear park.
- l. No barbed wire, concertina wire, razor wire or other type of security wire shall be visible from public right-of-ways, the Santa Cruz Riverpark, or the adjacent residential properties.
2. The owner/developer shall obtain the appropriate easements for access across public drainageways.

3. No driveways shall be allowed within 200 feet of the intersection of Mission Road and Irvington Road. Driveways shall be located to take advantage of the existing median openings within Mission Road and Irvington Road. Any modifications to the median islands within Mission Road or Irvington Road shall be at the expense of the owner/developer. A traffic study will be required prior to any such modifications.
4. The owner/developer shall install curb and sidewalk along all street frontages, and all unused curb cuts and access points shall be closed.
5. The northernmost access on Mission Road shall be located at least 150 feet from the centerline of the original Irvington Road alignment.
6. All access to or improvements within the right-of-way of Mission Road shall be approved by both the City of Tucson Department of Transportation ~~and in consultation with the~~ Pima County Departments of Transportation.
7. A one-foot no-access easement shall be recorded on the north and east property lines.
8. A drainage report shall be submitted and approved, including details of retention/detention, in compliance with the W.A.S.H. ordinance. If the vegetation in the original channel of the West Branch of the Santa Cruz River is to be preserved, an amount of storm water discharge adequate to sustain vegetation, shall be directed to the original west branch channel.
9. ~~A Conditional Letter of Map Revision (C.L.O.M.R.) reflecting current conditions of the West Branch of the Santa Cruz River, the Wyoming Wash, and the unnamed wash adjacent to the north property line of this property, shall be filed with, and approved by, FEMA prior to the approval of any development plan. An approved L.O.M.R. will be required prior to issuance of any Certificate of Occupancy.~~
10. The owner/developer shall dedicate the necessary right-of-way to Pima County to provide for a fifty (50)-foot-wide linear park on the west side of the West Branch of the Santa Cruz River, measured from the top of bank.
11. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Those visible from the public right-of-way or the West Branch Linear Park shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials and, if continuous for more than 75 feet in length and 3 feet in height, shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.

12. The archeological research shall be completed as outlined in the archeological report submitted with the rezoning application. If additional artifacts or architectural remains are found during the site preparation or construction, the Arizona State Museum and the City Historic Program Administrator are to be immediately informed and mitigation completed as recommended.
13. The owner/developer shall provide written approval from the Western Area Power Authority (WAPA) for the placement of any improvements within the WAPA easement prior to the approval of a development plan.
14. All outdoor lighting shall be shielded and directed away from residential uses.
15. Any exterior mechanical equipment shall be screened from view of the adjacent linear park, residential zones, and public rights-of-way with opaque screening materials of a color complimentary to the building color. If the equipment is located on the ground, screen walls shall be used.
16. All free-standing signage shall be integrated into the landscaping and shall reflect the architectural style recommended in the Midvale Park Design Guidelines.
17. All development plans, including plats, landscaping, signage, grading, drainage, architecture, and site planning shall be reviewed by the Midvale Park Design Review Committee for compliance with the Midvale Park Design Guidelines.
18. "Safe by Design" concepts shall be incorporated in the development plan(s) for review by the Tucson Police Department.
19. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
20. ~~Five years are allowed in which to comply~~ Compliance with all Code requirements and conditions of rezoning by May 4, 2008.
21. ~~All development adjacent to Mission Road shall comply with the Scenic Corridor Zone provisions of the LUC.~~
22. No structure, off-street parking, vehicular circulation, off-street loading, or maneuvering space, landscaping, or screening improvements required by the Land Use Code, may be constructed, erected, placed, or extended in the future right-of-way unless specifically allowed.

- 23. A maximum of one access point to the project from Irvington Road.
- 24. A maximum of three access points to the project from Mission Road.
- 25. A right turn deceleration lane shall be provided at the main entrance from Mission Road.
- 26. The C-1/C-2 zoning line in the interior of the rezoning site shall not extend west of the Western Area Power Authority (WAPA) easement.
- 27. The owner/developer shall construct the segment of the River Park in accordance with the Divided Urban Pathway Standard, which includes a minimum 12 ft paved asphalt path, a minimum 8 ft meandering decomposed granite path, native landscaping between the paths and along both sides of the greenway (including native trees a minimum of 20 ft o.c.), a drip irrigation system, and signage, as directed by the Tucson Parks and Recreation Department.

One written approval and zero written protests were received for this case prior to the Zoning Examiner's public hearing March 19, 1998.

A simple majority vote will be necessary to approve the time extension, change of development plan and change of conditions.

11A. BOARDS, COMMISSIONS AND COMMITTEES: APPOINTMENT TO THE CIVIL SERVICE COMMISSION

- (a) Report from City Manager DEC9-02-758 CITY-WIDE

Information for this item regarding Appointment to the Civil Service Commission will be delivered to the Mayor and Council on Thursday, December 5, 2002.

11B. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager DEC9-02-742

12. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on *any issue*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, December 16, 2002, at 2:00 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.